

THE COMPONENTS OF THE APALRC'S LEGAL INTERPRETER PROJECT

The APALRC's Legal Interpreter Project [LIP] strives to achieve two goals: (1) use existing language resources in the community to address the community's language needs; and (2) implement an uncomplicated, cost-effective and sustainable program to link LEP clients with existing legal service providers. Your organization – whether a legal service provider or a community-based organization – can also create such a model to address the needs of LEP clients by following the steps below. While some of the steps may be modified [for example, the six-month commitment from interpreters or the pre-screening component], the APALRC suggests that your organization follow the model as closely as possible. The templates, exercises and supplemental information provided in the Appendix and on CD-ROM can be modified or used as necessary.

The LIP model incorporates several steps leading to the ultimate selection of the interpreter class each year. These steps include:

1. The recruitment of candidates through ethnic and mainstream press, and other community channels;
2. A telephonic pre-screening process to ensure English competency and the ability of interpreters to meet the program's basic requirements, such as making a six-month commitment and the ability to travel;
3. An application process;
4. A mandatory training for candidates;
5. An in-person interview;
6. A testing of oral and written language skills in English and the target language [the language in which the interpreter will provide interpreter or translation services]
7. Evaluation of skills and final decision

The APALRC's model envisions several "pre-screening" steps before a class of interpreters is selected. These steps – including the pre-screening interview and a training that is open to all candidates – have been designed to ensure that APALRC staff has the opportunity to closely observe candidates in various contexts and situations. Once an interpreter class has been selected, the LIP Coordinator begins to make assignments and continues to monitor the performance of each interpreter throughout the year. The flowchart in Appendix A demonstrates the entire selection process from the standpoint of an interpreter who is selected to participate in the Legal Interpreter Project.

STEP ONE: RECRUITMENT OF CANDIDATES

✓ Identify Languages Most Commonly Used or Encountered in Your Community

First, it is important to decide the target languages for which interpreters will need to be selected. A good starting point is to determine which languages are most often used by LEP individuals in your service area. Census 2000 data on language ability and use, as well as your organization's own data on the languages routinely encountered, would be helpful benchmarks. If, based on your research, your organization would need to cover a large number of languages, you might want to focus on only a few in the beginning.

The APALRC based its decision to recruit interpreters speaking certain Asian languages on census data regarding English proficiency in the Washington DC metropolitan area as well as our own experiences working with LEP clients. In 2003, the APALRC worked with interpreters who were proficient in Bengali, Hakka, Hindi, Indonesian, Japanese, Korean, Mandarin, Punjabi, Teo Chew, Vietnamese and Urdu.

QUICK TIP:
It is a good rule of thumb to begin the recruitment for a new class of interpreters at least two months before the training is to take place. The APALRC's model incorporates a pre-interview phase that occurs before the training and that can often take a month to complete.

✓ **Develop and distribute a job announcement.**

A job announcement for legal interpreters should clearly state the position's requirements and the process by which interpreters are selected. An example of the APALRC's job announcement is included in Appendix B. The job qualifications for interpreters working with the APALRC (in addition to fluency in English and the target language) include the ability to make a six-month time commitment to the interpretation project; the availability to attend a mandatory training; the ability to use public transportation; the ability to travel to different locations as needed; and the flexibility, in terms of schedule, to interpret on an as-needed basis by the APALRC. The job announcement also instructs interested candidates to contact the APALRC project coordinator by phone to request a job application.

Distributing the job announcements appropriately can significantly increase the quantity and quality of candidates. Possible distribution channels include community organizations, places of worship or community centers. Local leaders of community organizations could also help distribute the job announcements and even personally identify suitable candidates.

Utilizing ethnic press can be an effective method to reach a large population of individuals. The APALRC, for example, advertises in ethnic papers as well as free city papers in the Washington, D.C. area. Ethnic radio and television programs are also common in most cities today; securing "air time" to advertise your organization's interpreter project through these media outlets may generate a large number of responses.

It might also be appropriate to target local universities with high immigrant student populations. Many graduate students who have visas that allow them to work can be effective interpreters as their grasp of English is usually fluent.

Finally, your organization could locate interpreters through court interpreter programs, consulates and embassies, the State Department, or language training centers such as Berlitz. While such professional interpreters charge much higher fees, the APALRC has benefited greatly from professional interpreters who have been willing to give their time at a reduced fee because of their commitment to APALRC's mission.

The Experience of an APALRC Legal Interpreter

Nahn, one of the APALRC's Vietnamese interpreters, found out about the project through an advertisement in a local Vietnamese paper. Nahn works part-time as a computer consultant. His interpretation experiences were limited to assisting elderly family members who were not fluent in English. As an interpreter for the APALRC, Nahn is able to stay connected with the local Vietnamese community as well as maintain and enhance his own fluency in Vietnamese.

STEP TWO: PRE-SCREEN POTENTIAL APPLICANTS

Typically, APALRC's recruitment efforts generate around 100 to 120 calls from candidates interested in obtaining a job application. When an individual calls, he or she should be informed that a pre-screening process will first occur over the telephone. The pre-screening interview is also the appropriate time to explain the purpose of the Legal Interpreter Project. An example of a pre-screening questionnaire used by the APALRC is included in Appendix C.

Pre-screening questions that are asked of potential applicants are designed to identify a group of people who are able to meet the basic program requirements, including:

- ✓ **Are they able to make a six-month commitment to the project?** Interpreters will need to be available for a six-month renewable commitment, thereby requiring that candidates have a solid block of time during which they are available for interpreter services.

✓ **Can they demonstrate competency in English?** Interpreters will need to evince a strong understanding of English as well as near or native fluency of the target language.

✓ **Do they have flexible schedules?** Since interpreter needs most often arise during a standard workday, candidates will need to have flexible schedules.

✓ **Can they travel within your organization's service area to attend meetings and consultations?** Candidates should have access to transportation and/or an understanding of public transportation alternatives.

✓ **Can they attend the mandatory 2 day training?**

Once the pre-screening process is complete, the LIP Coordinator should decide which applicants will receive job applications [see Appendix D for sample application]. On average, the APALRC selects half of the initial callers to receive job applications. All those who complete and return job applications are required to attend the legal interpreter training. On average, the APALRC has experienced a 60% return rate on job applications. Of the 60 individuals who received job applications for the last class, 36 applications were returned.

STEP THREE: TRAIN POTENTIAL INTERPRETERS

Developing thoughtful and useful trainings is vital to the project's success. As such, you will need to retain an experienced interpreter (preferably someone with training experience) to help you develop and conduct your trainings. Most of the candidates undergoing the training will have had little formal interpretation experience and will need to understand the pitfalls and challenges of being an interpreter. Trainings provide the opportunity to impart information regarding the expectations that your organization has of its interpreters, as well as to educate interpreters about ethical standards, confidentiality and conflict of interest issues. Conducting exercises during the trainings also develops and builds the skills of interpreters to conduct either simultaneous and/or consecutive interpretation.

Parts of the APALRC's training manual are included in Appendices E through I to guide your organization's own training development process. Depending on whom you retain as your training consultant as well as the scope of your organization's services and project, your training curriculum might vary from ours. The APALRC's training contains the following parts:

- ✓ An explanation of what it means to be an interpreter.
- ✓ A presentation about the two types of interpreting techniques [consecutive and simultaneous interpretation]
- ✓ A basic overview of a few areas of law which your organization's clients most frequently encounter, usually conducted by attorneys who are experts in these areas, with an emphasis on legal terms, and how best to interact with attorneys
- ✓ A review of the ethical standards and obligations of interpreters with a quiz to test the participants' ethical judgment skills
- ✓ Role play exercises and simulations

The most important parts of the training are described in detail below.

THE INTERPRETER CODE OF ETHICS

The APALRC training emphasizes an understanding of the *Interpreter Code of Ethics* [see Appendix G] that each interpreter is required to sign. The code emphasizes several obligations, the most important of which are outlined below. While a general training on interpreter ethics is important, it is likely that your organization's LIP Coordinator will have to continually monitor adherence to these standards and to, on occasion, remind interpreters of their obligations as particular situations arise.

QUICK TIP:

When you speak to an interested applicant, be aware of whether he or she is searching for words or switching in and out of English and another language; these are key indicators that the candidate does not have fluency in English. Also, if he or she has difficulty understanding you or asks you to repeat yourself frequently, the candidate may not have the adequate English proficiency level to be an interpreter.

QUICK TIP:

Focus on recruiting retirees, stay-at-home parents, free-lance interpreters and students. Such individuals often have flexible schedules that can more easily accommodate an "as-needed," "on-call" interpretation system.

Respecting Client Confidentiality

Confidentiality is an important concept to understand, as many interpreters will come from communities with tight and close social networks, of which the client may also be a part. In fact, in certain circumstances, the interpreter and the client may even know each other, or are likely to encounter each other socially, in which case there may be a conflict of interest.

Thus, the importance of keeping all communications confidential is vital to gaining a client's trust. This should be communicated to all interpreters, especially those who might interact with individuals that the client knows or encounters frequently.

Example

Mr. Jimenez is an interpreter for one of your Spanish-speaking clients. In addition to being a fluent Spanish speaker, Mr. Jimenez is also the pastor of a church in the community and regularly appears on Spanish radio and television programming. Your client tells you that she is wary of working with Mr. Jimenez because he might know many people with whom she interacts in the community. It is important that you inform your client about Mr. Jimenez' training on confidentiality and remind him about his ethical obligations, should you decide that he should be the client's interpreter.

Accuracy and Thoroughness of Interpretation

Interpreters must understand that all communications must be transmitted accurately. Accuracy includes both thoroughness of the interpretation and faithfulness to what is being said by the parties. Summarizing information is not acceptable, especially if the interpreter is communicating complex legal terms or information.

Moreover, if there is no linguistic equivalent to the concepts to be interpreted, the interpreter should be instructed to relay them in language that is comprehensible and culturally appropriate to the client. In addition, where a verbatim, "word for word" interpretation would distort the meaning of the concept and render it inappropriate, the interpreter must notify all parties. For example, the expression "making a deal" in the criminal context can signify the possibility of offering or accepting a plea bargain with the prosecutor. Translating this phrase word for word however would not convey the actual meaning. Thus, in a situation such as this, the interpreter should notify both the attorney and the client that instead of making a verbatim interpretation, the interpreter will provide a clearer rendering of the meaning of the words. Of course, the interpreter must ensure that the client properly understands the significance of the phrase, and request the attorney to ask the client follow-up questions to assess the client's understanding.

Client Self-Determination

Interpreters should understand that the client has the right to make his or her own choices regarding all legal decisions. Often, those closely connected with individuals facing legal problems - including interpreters - have the temptation to offer advice or personal opinions. Clients who feel a sense of closeness with an interpreter due to language and cultural similarities might even solicit an interpreter's opin-

Example

An attorney working with one of your organization's domestic violence clients informs the LIP Coordinator that she is worried that Ms. Singh, one of your interpreters, has been providing personal advice to the client. The attorney has observed that during and after consultations, Ms. Singh has been speaking extensively with the client. Additionally, Ms. Singh has expressed her concern to the attorney that the attorney's advice might not be suitable for the client. It is important that the LIP Coordinator communicate with Ms. Singh to remind her of her obligation to respect the client's self-determination in making legal decisions. The LIP Coordinator should also determine whether there exists a conflict of interest in having Ms. Singh continue to work with the client to the extent that her objectivity in delivering interpreting services is being hampered.

ion on how to proceed. It is important that in such situations, interpreters refuse to provide judgments or opinions, and maintain their responsibility to provide all information to clients to facilitate their decision-making process.

Other ethical standards that should be emphasized include the importance of maintaining a professional working attitude towards clients and others. Conducting oneself professionally includes being punctual for all assignments, dressing appropriately, and not seeking or accepting additional compensation for interpreter services. Interpreters are ambassadors of the organization; therefore, it is vital that they represent the organization's mission and services appropriately and professionally.

QUICK TIP:

Informally quiz your interpreters on their understanding of ethical standards by providing situations like the ones in Appendix H.

ROLE-PLAY EXERCISES AND SIMULATIONS

One of the main reasons that the APALRC requires all candidates to attend the training is to have the opportunity to observe how candidates respond to various situations. To that end, the APALRC has designed several role-play exercises that can be used to increase an interpreter's confidence in interpreting between clients and attorneys. The role-play exercises can be modified as necessary depending on the types of assignments and situations your organization's interpreters are likely to encounter. Samples of exercises can be found in Appendix I.

The role-play exercises developed by the APALRC are most effective when conducted in groups of four with one person playing an attorney, an interpreter, a client and an observer. The observer should be either a staff person or former interpreter. Instructions on how to "play" the part of the client and attorney are provided to the actors in advance; please note that the actors should not share their instructions with one another to allow for a better "role play" situation. The interpreter must interpret between the client and the attorney by picking up on verbal cues from each.

Example Role Play

The client is told to play the following role: You are a recent immigrant who has not met many others who speak your own language. You are very happy to finally meet someone who can understand you, so you want to tell the interpreter not just information about your case, but everything that is going on in your life. Your legal situation is that your landlord has been trying to evict you because your family of six is too large for your one-bedroom apartment.

The attorney is told to play the following role: You must try to get all the facts of the case from the client in a brief amount of time since you already have other clients waiting to speak with you. You will want to see the lease and any other written documents the client has. You will need to explain to the client that it will be difficult to defend against the eviction if the family of six turns out to be a violation of the terms of the lease.

During the role-play exercises, participants should be evaluated on their oral skills by the observers, with special attention paid to the candidates' English skills, their ability to follow directions and their body language. Specific factors that might indicate that a candidate is not qualified to be an interpreter may include:

- ✓ Long or frequent pauses during interpretation
- ✓ Searching for appropriate English vocabulary
- ✓ Awkward use of English vocabulary
- ✓ Repetition of phrases
- ✓ Confrontational tone or body language
- ✓ Physical and mental signs of frustration and impatience
- ✓ Unprofessional behavior during training session (i.e. failing to follow directions, frequently interrupting other candidates)

After the training session, the staff, observers and any consultants should discuss their impressions of all the candidates in order to create a "short list" of those who will be invited back for an in-depth personal interview and a skills test.

STEP FOUR: TESTING OF INTERPRETERS

In the weeks following the training, the APALRC selects a group of interpreters who will proceed to the next stage of the process. The choices are made as a result of the observations and assessments made at the training.

The next phase consists of three parts: (1) a job interview that assesses the candidate's "fit" for the position in terms of their prior experiences and their understanding of the expectations of the role; (2) an oral test to evaluate the candidate's verbal command and comprehension of English and the language in which s/he will interpret; and (3) a written test to evaluate the candidate's ability to read and write English as well as the language in which s/he will interpret.

THE PERSONAL INTERVIEW

A personal interview of candidates by the LIP Coordinator can often be a critical component in the selection process. As interpreters will be your organization's representatives, it is important that you are comfortable with their professionalism and sense of presence. The personal interview provides the LIP Coordinator with the opportunity to learn more about the interpreter candidate as well as convey your organization's expectations. For sample questions please see Appendix J. It is also the appropriate time to inform the candidate that the selection process has not been completed and will require him or her to successfully pass oral and written tests.

THE ORAL AND WRITTEN TESTS

The testing process provides the final criterion by which to decide which interpreters should be chosen for the project. While there are several different "testing" models to choose from, the APALRC has devised oral and written tests which are specific to the types of situations that interpreters would face when assisting immigrant clients. These tests have been developed with the assistance of the APALRC's consultant, Angie Carrera, and past LIP interpreters.

Oral Test

For the oral skills portion, interpreters are asked to orally interpret English communications into the target language. They are provided with two tape machines - one for listening to [Tape Recorder A] and the other for recording [Tape Recorder Z]. Tape Recorder A contains statements in English that the interpreter will interpret by recording his or her voice with similar tone and inflection into Tape Recorder Z. Tape Recorder A also contains utterances in the target language for the interpreter to translate back into English and then record into Tape Recorder Z. A sample of the oral testing transcript in Mandarin can be found in Appendix K. The full set of audio tests, along with their written transcripts, are available on CD from the APALRC in the following languages: Mandarin, Vietnamese, Korean, Hindi, and Urdu.

Written Test

The second portion of the test includes a written assessment. Interpreters are asked to translate a letter from English into the target language, and a client affidavit from the target language into English. A candidate may use a dictionary to complete the translation but should be given a time limit of 45 minutes to complete the work. Samples of the written tests in Mandarin can be found in Appendix K. Written tests for Mandarin, Vietnamese, Korean, Hindi, and Urdu are also available on CD from the APALRC.

Scoring

After the tests are taken, they are scored by an individual fluent in both languages – usually an experienced interpreter or someone from the community whom you trust. Typically, the APALRC utilizes its more experienced interpreters or attorneys in the community who are bilingual and with whom we have a strong relationship to assist in scoring the tests.

In scoring the interpreters on their tests, the grader uses a scoring guide for each test [see Appendix L for an example] that assesses elements such as fluency, grammar, sentence structure, speed, accuracy, transition, tone and ethics. Candidates are scored on a scale of 1 to 5, with 1 being poor and 5 being excellent. If a candidate scores less than 3 on either test, this may indicate insufficient language proficiency. The LIP Coordinator then makes a final decision on who will be part of the interpreter pool by considering the test results. Observations of candidates at the training, and assessment of the candidates at personal interviews will also help determine the final selection.

STEP FIVE: BEGINNING INTERPRETER SERVICES

SETTING EXPECTATIONS

Once interpreters are chosen for the project, they should complete all paperwork and receive guidelines about how their assignments should be handled. The interpreter also receives information about how the project will be managed and what will be expected of the interpreter when he or she accepts an assignment.

The APALRC emphasizes the following points with our interpreters prior to the beginning of each assignment:

- ✓ Always reserve adequate time to prepare for the assignment, budgeting for travel time and also for adequate review of relevant vocabulary.
- ✓ When completing an assignment, remember to bring a writing instrument and paper for note-taking; directions to the assignment; contact information of the attorney with whom you will be meeting; the client's name; and a dictionary.
- ✓ An invoice to document the duration and expenses related to the assignment. A sample invoice has been included in Appendix L. The invoice requires both the attorney and the client to initial the starting and finishing times of the interpretation session.
- ✓ Save all receipts related to travel and parking for reimbursement.
- ✓ Remember to introduce yourself appropriately to the client and to the attorney before beginning the interpretation.

ASSIGNMENT OF CASES

When assigning work to an interpreter, it is vital that the LIP Coordinator provide adequate information about the client's case in addition to basic contact and location information for the assignment. Appendix M includes an example of a form that the APALRC routinely provides to interpreters to describe his or her assignment. Understanding the nature of the case will give the interpreter enough time in advance to adequately prepare by understanding commonly-used vocabulary terms related to that type of case.

QUICK TIP:

An effective partnership between the attorney and the interpreter is important. It is advisable for the attorney and interpreter to have a conversation prior to the communication with the client in order to clarify expectations. The interpreter should explain to the attorney that she will interpret the attorney's statements. If the interpreter is able to interpret both consecutively and simultaneously, she should inquire which method the attorney will prefer. When the conversation is over, the interpreter should make sure with the attorney that all necessary information has been conveyed to the client.

MONITORING OUTCOMES AND PERFORMANCE

Monitoring interpreter assignments and routinely "checking in" with interpreters is important to ensure that the project is proceeding smoothly. The LIP Coordinator should gather information regarding the assignments that are made and their outcomes in a database. The APALRC suggests tracking additional information such as the date of assignments; languages used; the organization or attorney for whom interpretation was provided; and the contact person at the organization with whom the interpreter worked. This information is helpful in terms of assessing which languages are most in need and the most frequent situations in which interpreters are used.

Additionally, it is important to contact interpreters routinely to make sure that they are enjoying their assignments and to address any questions or concerns they might have. Treating interpreters as an integral part of the organization is a way to acknowledge their role and contributions. For example, the LIP Coordinator should regularly contact all interpreters, especially those who do not receive assignments frequently. The APALRC suggests that the LIP Coordinator send a communication every six to eight weeks to update interpreters on news, events and special projects occurring at your organization. You should also encourage your interpreters to communicate with each other to share any relevant resources they may come across such as language specific legal dictionaries or websites.